

SECTION 437: PEAK TRAFFIC HOURS PROVISIONS

1. Purpose. The purpose of this section is to describe the means by which expending agencies comply with the provisions of Act 212, S.L.H. 1987, relating to consideration of the extent to which contract work affects traffic congestion during peak traffic hours.
2. Legal Reference. The procedures described in this section are based on Section 2 of Act 212, S.L.H. 1987:

"SECTION 2. Chapter 103, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

'§103-15 Contract provisions to consider traffic. Unless otherwise prohibited by law, all public contracts awarded under this chapter shall consider the extent to which the work undertaken pursuant to the contract will increase traffic congestion during peak traffic hours. The contract shall contain provisions to reasonably minimize any adverse impact.'"

3. Applicability. Act 212, S.L.H. 1987 is explicit in stating that its provisions apply to "all public contracts" awarded under Chapter 103, H.R.S. Unless a contract is specifically awarded under other provisions of law to the exclusion of Chapter 103, H.R.S., it is presumed by the procedures described in this section that a contract is awarded under Chapter 103.
4. Roadwork Contracts. Contract provisions which might reasonably minimize any adverse impact on traffic congestion during peak traffic hours include the following kinds of requirements:
 - (a) That the contractor keep all existing traffic lanes open to public traffic during the morning peak traffic hours (e.g., 5:30 a.m. to 8:30 a.m.) and the afternoon peak traffic hours (e.g., 3:00 p.m. to 6:00 p.m.) of each working day.
 - (b) That the contractor, on projects involving temporary lane closures, prepare the traffic lanes to carry peak hour traffic at the end of each working day, by removing or covering all construction signs and by removing and safely storing all traffic delineators and barricades.
 - (c) That the contractor, during peak traffic hours, avoid operation of slow-moving vehicles on roadways, avoid other roadway obstructions, and remove any visual distractions related to the performance of the contract.

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5. Other Contracts. In contracts other than roadwork contracts, provisions which might reasonably minimize any adverse impact on traffic congestion during peak traffic hours include the following kinds of requirements:
- (a) That the contractor working on the construction, renovation, or repair of State facilities consider scheduling around peak traffic hours.
 - (b) That the contractor working on the construction, renovation, or repair of State facilities arrange delivery times for materials and equipment so that adjacent traffic during peak traffic hours is not adversely impacted by any coning of lanes, any slow-moving vehicles, or any other potential obstruction relating to the contractor's work.
 - (c) That the contractor performing work such as refuse collection, tree trimming, groundskeeping, moving, and delivery of supplies or equipment schedule such work to minimize adverse impact on traffic congestion during peak traffic hours.
6. Appropriateness of Contract Provisions. In all cases, the contract provisions relating to traffic congestion during peak traffic hours should be appropriate to the primary purpose of the contract. Consideration must be given to emergency situations or logistical problems encountered by the contract. Further, the contract provisions should not create unnecessary requirements that detract from the primary purpose of the contract. It is important that the positive purposes of Act 212, S.L.H. 1987 be served by contract provisions that also serve the primary purpose of the contract itself.